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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,720	05/01/2001	Mark Kruger	PALM-3629.US.P	7066

49637 7590 03/02/2006

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EXAMINER

LIN, KELVIN Y

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,720

Applicant(s)

KRUGER ET AL.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Remarks

1. Applicant's arguments with respect to claims 1-27 have been considered but are not persuasive.
2. Applicant argues that Schuster fails to teach or suggest "... the attempting to initiate, by the computer system, a particular network link of the group of network links based on the particular alternative network link designation, as required by amended claim 1, element e.
3. The Office respectfully disagrees.

Schuster teaches the user of PID 110a can alternatively communicate to a user of the PID 110b, by the PID data network telephony system which is initiated by the computer system, when the voice signals are busy between device 108a and 108b (Schuster, col.6, l.54-58, fig. 1, elements 110a, 108a, 110b, 108b).

Moreover, in Fig. 3, and 4, Schuster discloses the network telephone, and PID device are equipped with three designated links: Bluetooth system, infrared link, and Ethernet link for VoIP (Schuster, col.5, l.59-65). In case one of the link interface failed, the system provides the link redundancy. (Schuster, col.10, l.33-35). Therefore, the rejection of claim 1 is maintained.

Similarly, the rejections of claims 8, 15, and 22 are maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-27 are rejected under 35 USC 102(e) as being anticipated by Schuster et al., (US Patent No. 6681252).
2. Regarding claim 1, Schuster teaches a method of establishing one of a plurality of network links on a computer system, comprising the steps of:
 - a. Associating one or more alternative network link designations with one or more of said network links (Schuster, fig. 2, fig.3, and col.10, l.1-26);
 - b. Requesting first network link of said plurality of network links (Schuster, Abstract, l.10-12, col. 7, l.19-30, col.11, l.34-36);
 - c. Attempting to initiate said first network link (Schuster, col.7, l.31-45);
 - d. Determining whether a particular alternative network link designation is associated with said first network link (Schuster, col. 9, l.24-42); and
 - e. If said step c) fails to establish said first network link and if said particular alternative network link designation is associated with said

first network link, attempting to initiate, by said computer system, a particular network link of said plurality of network links based one said particular alternative network link designation (Schuster, col.5, l.59-65, col.6, l.54-58, fig. 1, elements 110a, 108a, 110b, 108b col.10, l.27-35).

3. Regarding claim 2, Schuster further discloses a method as recited in claim 1 further comprising the steps of:

f. Determining whether a second alternative network link designation is associated with said particular network link (Schuster, col. 10, l.1-9);
and

g. If said step e) fails to establish said particular network link and if said second alternative network link designation is associated with said particular network link, initiating a second network link of said plurality of network links based on said second alternative network link designation (Schuster, col. 10, l.15-20).

4. Regarding claim 3, Schuster further discloses a method as recited in claim 1 further comprising the steps of:

h. If said step e) fails to establish said particular network link, attempting to initiate, by said computer system said first network link (Schuster, for examine purpose the office choose to the approach of initiating the third link, col. 15, l.27-30).

5. Regarding claim 4, Schuster further discloses a method as recited in claim 1 further comprising the steps of:

- i. If said step e) fails to establish said particular network link, initiating a second network link of said plurality of network links based on said alternative network link designation (Schuster, col. 10, l.15-20).

6. Regarding claim 5, Schuster further discloses a method as recited in claim 1 further comprising the steps of:

- Indicating to a user whether said first network link was established (Schuster, col.3, l.38-40, which indicates the CLASS features is implemented and includes the notification).;
- and enabling said user to discontinue establishment of said particular network link (Schuster, col.3, l.38-40, which indicates the CLASS features is implemented and includes the activate/deactivate feature, col.1, l.55-56).

7. Regarding claim 6, Schuster further discloses a method as recited in claim 1 wherein said step b) includes:

- Sending a network open request to a shared library of said computer system (Schuster, col. 7, l.46-52, in which the SIP is open connection request for VoIP corresponds to the network open request to a shared library of computer system)

8. Regarding claim 7, Schuster further discloses a method as recited in claim 1 wherein Said computer system comprises a personal digital assistant (Schuster, col.5, l.53-55).

9. Regarding claims 8-14, claiming for computer-readable medium, have similar limitation as claims 1-7. Therefore, claims 8-14 are rejected under Schuster for the same reason set forth in the rejection of claims 1-7.

10. Regarding claims 15-21, claiming for computer system with a data bus, a processor couples to said data bus, and a memory device (Schuster, col.5, l.24-38), have similar limitation as claims 1-7. Therefore, claims 15-21 are rejected under Schuster for the same reason set forth in the rejection of claims 1-7.

11. Regarding claims 22-27 have similar limitation as claims 1-3, and 5-7. Therefore, claims 22-27 are rejected under Schuster for the same reason set forth in the rejection of claims 1-3, and 5-7.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTH** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/28/06
KYL


JASON CARDONE
SUPERVISORY PATENT EXAMINER